

1 THE HONORABLE ROBERT S. LASNIK  
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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT SEATTLE

11 JASON MOOMJY, Individually and On Behalf  
12 of All Others Similarly Situated,

13 Plaintiff,

14 v.  
15 HQ SUSTAINABLE MARITIME  
16 INDUSTRIES, INC., NORBERT SPORNS,  
17 JEAN-PIERRE DALLAIRE, LILLIAN WANG  
18 LI, LADENBURG THALMANN & CO. INC.  
19 and ROTH CAPITAL PARTNERS, LLC,

20 Defendants.

21 Master Case No. 2:11-cv-00726-RSL

22 STIPULATION AND [PROPOSED]  
23 ORDER REGARDING RESPONSE OF  
24 DEFENDANTS HQ SUSTAINABLE  
25 MARITIME INDUSTRIES, INC.,  
26 NORBERT SPORNS AND JEAN-PIERRE  
DALLAIRE TO LEAD PLAINTIFF'S  
CLASS ACTION COMPLAINT

**NOTED ON MOTION CALENDAR:**

January 20, 2012

27 WHEREAS, on April 28, 2011, Jason Moomjy, individually and on behalf of all  
28 others similarly situated, filed a Class Action Complaint (the "Complaint) against defendants  
29 HQ Sustainable Maritime Industries, Inc. ("HQ"), Norbert Sporns, and Jean-Pierre Dallaire;

30 WHEREAS, on November 14, 2011, the Court ordered Lead Plaintiff Trigon  
31 Emerging Agri-Sector Fund to file a consolidated complaint by November 22, 2011, and  
32 further ordered Defendants to answer, move to dismiss, or otherwise respond to the  
33 consolidated complaint within 60 days of its filing;

34 WHEREAS, on November 22, 2011, Lead Plaintiff filed a Class Action Complaint  
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36 STIPULATION AND [PROP.] ORDER REGARDING RESPONSE OF  
37 DEFENDANTS HQ SUSTAINABLE MARITIME INDUS., INC., NORBERT  
38 SPORNS AND JEAN-PIERRE DALLAIRE TO LEAD PLAINTIFF'S  
39 CLASS ACTION COMPLAINT (No. 2:11-cv-00726 RSL) - 1

40 LAW OFFICES OF  
41 COZEN O'CONNOR  
42 A PROFESSIONAL CORPORATION  
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1 (the "Lead Plaintiff Complaint"), which added Ladenburg Thalmann & Co. (Ladenburg), Roth  
2 Capital Partners, LLC (Roth), and Lillian Wang Li as defendants;

3 WHEREAS, on January 5, 2012, the Trigon Fund and newly added defendants  
4 Ladenburg and Roth filed a stipulated schedule for Ladenburg and Roth to answer, move or  
5 otherwise respond to the Lead Plaintiff Complaint;

6 WHEREAS, on January 11, 2012, the Court approved the aforementioned stipulation  
7 and ordered that: (1) the time for Ladenburg and Roth to answer, move or otherwise respond  
8 to the Lead Plaintiff Complaint shall be extended until February 7, 2012; (2) in the event that  
9 Ladenburg and/or Roth move to dismiss or otherwise move in response to the Lead Plaintiff  
10 Complaint, Lead Plaintiff shall have until March 30, 2012, to file papers in opposition to the  
11 motion(s); and (3) Ladenburg and Roth shall have until April 25, 2012, to file reply papers in  
12 support of their motion(s);

13 WHEREAS, in light of the intervening holidays, counsels' commitments in other  
14 matters, and in an effort to coordinate the briefing schedules for all parties responding to the  
15 Lead Plaintiff Complaint, Defendants HQ, Norbert Sporns and Jean-Pierre Dallaire seek a  
16 brief extension of their deadline to answer, move to dismiss, or otherwise respond to the Lead  
17 Plaintiff Complaint;

18 WHEREAS, counsel for Lead Plaintiff, HQ, Norbert Sporns and Jean-Pierre Dallaire  
19 have conferred and agree that the deadline for HQ, Norbert Sporns and Jean-Pierre Dallaire to  
20 respond to the Lead Plaintiff Complaint should be extended and synchronized with defendants  
21 Ladenburg and Roth's pleading schedule;

22 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among  
23 Lead Plaintiff, HQ, Norbert Sporns and Jean-Pierre Dallaire that:

24 1. The time for HQ, Norbert Sporns and Jean-Pierre Dallaire to answer, move or  
25 otherwise respond to the Lead Plaintiff Complaint shall be extended until February 7, 2012.

26 2. In the event that HQ, Norbert Sporns and/or Jean-Pierre Dallaire move to

1 dismiss or otherwise respond to the Lead Plaintiff Complaint, the Trigon Fund shall have until  
2 March 30, 2012, to file papers in opposition to the motion(s).

3. HQ, Norbert Sporns and Jean-Pierre Dallaire shall have until April 25, 2012, to  
4 file any reply papers in support of their motion(s).

5. Nothing in this Stipulation shall be construed as a waiver of any of HQ's,  
6 Norbert Sporns's and Jean-Pierre Dallaire's rights or positions in law or in equity, or as a  
7 waiver of any defenses that HQ, Norbert Sporns and Jean-Pierre Dallaire would otherwise  
8 have, including, without limitation, jurisdictional defenses.

1 IT IS SO STIPULATED.

2 DATED this 20<sup>th</sup> day of January, 2012

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STIPULATION AND [PROP.] ORDER REGARDING RESPONSE OF  
DEFENDANTS HQ SUSTAINABLE MARITIME INDUS., INC., NORBERT  
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## **[PROPOSED] ORDER**

Having considered the Stipulation among Lead Plaintiff the Trigon Emerging Agri-Sector Fund ('the Trigon Fund') and defendants HQ Sustainable Maritime Industries, Inc. ('HQ'), Norbert Sporns and Jean-Pierre Dallaire, IT IS HEREBY ORDERED that:

1. The time for HQ, Norbert Sporns and Jean-Pierre Dallaire to answer, move or otherwise respond to the Lead Plaintiff Complaint shall be extended until February 7, 2012.

2. In the event that HQ, Norbert Sporns and/or Jean-Pierre Dallaire move to dismiss or otherwise respond to the Lead Plaintiff Complaint, the Trigon Fund shall have until March 30, 2012, to file papers in opposition to the motion(s).

3. HQ, Norbert Sporns and Jean-Pierre Dallaire shall have until April 25, 2012, to file any reply papers in support of their motion(s).

4. Nothing in the parties' stipulation shall be construed as a waiver of any of HQ's, Norbert Sporns's and Jean-Pierre Dallaire's rights or positions in law or in equity, or as a waiver of any defenses that HQ, Norbert Sporns and Jean-Pierre Dallaire would otherwise have, including, without limitation, jurisdictional defenses.

IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

THE HONORABLE ROBERT S. LASNIK  
*United States District Judge*

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